

REMARKS

As a preliminary matter, Applicants thank the Examiner for the continued allowance of claims 164-166 and 168-170.

As a second preliminary matter, Applicants respectfully traverse the outstanding Office Action as being nonresponsive. The Examiner asserts, on page 4 of the Office Action, that Applicants' previous arguments (from Amendment G, filed July 11, 2005) "are moot in view of the new ground(s) of rejection." This assertion, however, is erroneous. No new grounds of rejection have been included in the outstanding Office Action. In particular, the rejection against claims 154-157 and 159-161 is identical to the rejection in the previous Office Action. With respect to claims 150-151, 158, and 162, the citation to the Koma reference (U.S. 5,608,556) is not new either, and Applicants have previously provided numerous meritorious arguments explaining how this particular reference does not read upon the present invention.

The Examiner himself, in the last Office Action (Paper No. 030305), specifically acknowledged that "Koma does not disclose the first and second domain regulating means consists of protrusions provided on the first substrate and/or the second substrate and the first domain regulating means substantially surrounds the second domain regulating means in each pixel in a display area." If the Examiner is intending to merely reverse this earlier determination, such would not constitute a "new grounds of rejection" that relieves the Examiner of his response burden. The Examiner is still obligated to answer the meritorious arguments previously put forth against this reference

before repeating rejections based on the reference. See Section 707.07(f) of the MPEP. Accordingly, all of these previous arguments are incorporated by reference herein.

Claims 150-151, 158, and 162 stand rejected under 35 U.S.C. 102(b) as being anticipated by Koma. Applicants respectfully traverse this rejection for at least the reasons of record, in light of the Examiner's own statements, and as follows. Koma does not teach (or suggest) the domain regulating means of the present invention that are protrusions.

First, the Examiner's present rationale for rejecting the present claims directly contradicts his repeated written acknowledgement that the Koma reference does not disclose all of the features of claim 150 of the present invention. The amendments to claim 150 (Amendment G) did not remove the limitations the Examiner has repeatedly acknowledged to not be taught or suggested by Koma. The Examiner has provided no explanation for this contradiction of his previous determinations of record. Applicants direct the Examiner's attention to page 3, first paragraph, of Paper No. 030305, for example. If the Examiner means to reverse this earlier determination, he should state the exact basis for the reversal on the record.

Second, the rejection is also traversed because Koma's orientation control electrode 22 and orientation control window 33 cannot be substituted for one another, nor can their respective positions be reversed on the opposite substrates. In the Examiner's original Restriction Requirement (see parent case, now Patent No. 6,724,452), the Examiner expressly determined that slits and protrusions were patentably distinct embodiments from one another. The Examiner has never attempted to withdraw this

Restriction Requirement. The Koma reference itself clearly shows that its “protrusion” 22 and its “slit” 33a are not equivalent. The two elements cannot be merely exchanged by reversing their location on the respective opposing substrate without rendering the device inoperable.

Third, Applicants traverse the rejection in light of the amendments to claims 150 and 154-155 herein. Although, as discussed above, no further amendments to the claims should be necessary, Applicants have provided the additional amendment in an attempt to expedite prosecution. Support for these amendments can be found, for example, from at least the disclosure on pages 76-77 of the present Specification, and the accompanying drawings (at least Figs. 69A-70B). Koma does not show two distinct domain regulating means that are both protrusions on one pixel electrode. Claims 156-161 have been cancelled without prejudice, rendering the rejection of these claims now moot.

Claims 154-157 and 159-161 again stand rejected under 35 U.S.C. 103(a) as being unpatentable over Koma in view of Hirata et al. (U.S. 5,953,093). As discussed above, claims 156-157 and 159-191 have been cancelled without prejudice, rendering the rejection of these claims now moot. With respect to claims 154-155, Applicants again respectfully traverse this rejection for at least the reasons of record, those discussed above, and as follows. Neither reference, alone or together, teaches or suggests all of the features of the present invention. Furthermore, the two references cannot be combined as the Examiner proposes.

The proposed combination is inappropriate because the two cited references inherently contradict one another. As discussed above, Koma's window 33 and electrode 22 cannot be substituted for one another. Moreover, there is no support from either reference for the Examiner's assertion that any of the respective features from Hirata can be substituted as analogous equivalents of Koma's electrode or window. Hirata's insulating film lines 31 are simply not equivalent to either of Koma's electrode 22 and window 33a. The Examiner's proposed combination would create an inoperative device.

Koma repeatedly emphasizes that the orientation control electrode 22 is a critical portion of the disclosed device. Koma teaches that its electrode 22 is only formed of conductive metals (see col. 6, line 4; col. 9, lines 7-8), and that it must be connected to the common input terminal of the TFT to receive the same signal as the common electrode. (See col. 6, lines 35-38). None of the insulating film lines 31 from Hirata operate as Koma's electrode 22. Hirata's films are not made of conductive metals, nor are they electrically connected to receive the same signals as the common electrode. There is no teaching or suggestion within either reference that overcomes this clear contradiction between the references. The two references present very different types of devices, each containing features that may not be simply substituted into the other based on the Examiner's opinion alone. Accordingly, the Section 103 rejection of claims 154-155 should be withdrawn for at least these reasons.

Nevertheless, the rejection should further be withdrawn at least in light of the amendments to the claims made herein. Neither reference, alone or together, can read upon the presently recited configurations presented in claims 154-155.

For all of the foregoing reasons, Applicants submit that this Application, including claims 150-151, 154-155, 164-166, and 168-170, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if a further interview would help expedite prosecution.

Respectfully submitted,

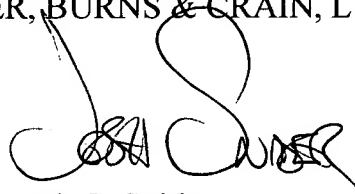
GREER, BURNS & CRAIN, LTD.

Customer No. 24978

February 6, 2006

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
P:\DOCS\4328\64683\9Y0312.DOC

By


Josh C. Snider
Registration No. 47,954